

DISAPPROVED APPOINTMENT OF NORAINA D. LINGAS AS STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 8, MARAWI CITY

A.M. NO. 04-10-619-RTC. February 10, 2005

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PER CURIAM:

For resolution is an administrative case for Dishonesty and Falsification of an Official Document against Noraina D. Lingas which arose from the disapproval by the Civil Service Commission (CSC) of her appointment as Stenographer III, Regional Trial Court (RTC), Branch 8, 12th Judicial Region, Marawi City.

On 10 February 2004, the Supreme Court, through Acting Court Administrator Jose P. Perez, issued a Commission[1] evidencing the appointment of respondent Lingas as Court Stenographer III (Permanent) at the RTC, Branch 8, 12[th] Judicial Region, Marawi City. The appointment was for a change of status from Temporary to Permanent.

After receiving a copy of the aforementioned Commission on 18 February 2004, Arturo SJ. Panaligan, Director II, CSC-GSIS/SCP Field Office requested Regional Office No. 10 (Cagayan de Oro City), CSC, for verification of the authenticity of the Career Service Professional Eligibility of Ms. Lingas which was acquired from a CS Examination allegedly taken on 28 March 2003 in Cagayan de Oro City.

In a letter[2] dated 15 April 2004, Lourdes Clavite-Vidal, Director IV, Regional Office No. 10, CSC, informed Director Panaligan that there was no CS Professional Examination conducted in Cagayan de Oro City on 28 March 2003. Their records, however, show that a CS Subprofessional Computer Assisted Test (CAT) was given with a certain Noraina D. Lingas as one of the examinees getting a failing mark of 25.63%. She concluded that the attached certificate of rating is fake.

On 01 June 2004, Director Panaligan notified Acting Court Administrator Perez that, upon verification of Ms. Lingas's alleged Career Service Professional Eligibility, the name of the latter does not appear in the roster of eligibles. Thus, the appointment of Ms. Lingas was disapproved without prejudice to the filing of an administrative charge.[3] On the same day, the services of respondent Lingas as Court Stenographer III, RTC, Branch 8, Marawi City, were terminated.[4]

On 23 June 2004, Renante L. Loyola, SC Chief Judicial Staff Officer, RTC Personnel Division, Office of the Administrative Services, indorsed the case of Ms. Lingas to Atty. Wilhelmina D. Geronga, Officer-In-Charge (O-I-C), Legal Office, Office of the Court Administrator (OCA), for appropriate action.[5]

On 01 July 2004, Court Administrator Presbitero J. Velasco, Jr., required Ms. Lingas to comment within ten (10) days from receipt of the photocopies of the letter dated 01 June 2004 of Director Arturo SJ. Panaligan disapproving her appointment, and the letter of Director Lourdes Clavite-Vidal dated 15 April 2004.[6]

On 02 August 2004, the OCA received the Comment[7] of respondent Lingas dated 26 July 2004 which was forwarded by Santos B. Adiong, Presiding Judge of RTC, Branch 8, Marawi City.[8] The Comment was referred

to Atty. Wilhelmina D. Geronga, O-I-C, Legal Office, OCA, for appropriate action.[9]

In her Comment, respondent Limgas claims she has no personal knowledge whether the certificate of eligibility[10] dated 28 March 2003 is genuine or fake. She maintains she did not falsify, tamper or alter any entries thereon and that said certificate was the one she received after taking the Civil Service Examination on 28 March 2003 at Cagayan de Oro City. To date, she said she has not received any other certificate that shows a failing result. She admitted having taken the CAT given by the CSC on 28 March 2003 at Cagayan de Oro City, but denies receiving the failed rating of 25.63%. The only rating she claims she has received was the passing rating (84.01%) which she attached to her application for change of status.

Respondent Limgas asserts that if she knew beforehand that the rating were fake, she would not be crazy enough to attach the same on her application for change of status knowing fully well this will adversely affect her reappointment, career, dignity and integrity as a public servant. She said she is a victim of injustice perpetrated by fixers, insiders and syndicates operating in the CSC Regional Offices. She asks for the Court's mercy and prays that her appointment as Stenographer III, RTC, Branch 8, Marawi City, be approved even on a Temporary Status while awaiting result of any investigation.

Court Administrator Presbitero J. Velasco, Jr., submitted a report dated 28 October 2004. He recommended that respondent be found guilty of dishonesty and that she be dismissed from the service with forfeiture of her retirement benefits and disqualification from reemployment in the government service.[11]

Respondent's acts of (1) submitting a fake Certificate of Eligibility in support of her application for change of status from Temporary to Permanent Court Stenographer III at the RTC, Branch 8, Marawi City, and (2) making an untruthful statement in her Personal Data Sheet by stating under Item No. 19 thereof that she passed the Career Service Professional Examination given at CSC Regional Office 10, Cagayan de Oro City on 28 March 2003 with a rating of 84.01% constitute Dishonesty and Falsification.

We find respondent Limgas's explanation that she has no personal knowledge as to the authenticity of the Certificate of Eligibility she received from the CSC which she attached to her Personal Data Sheet, to be unsatisfactory.

Respondent maintains that the Certificate of Eligibility/Rating she attached to her Personal Data Sheet was the one she received after taking the Civil Service Examination on 28 March 2003 at Cagayan de Oro City. She admitted she was an examinee of a CAT given by the CSC in Cagayan de Oro City on 28 March 2003. This test, per certification of Director Lourdes Clavite-Vidal of the Regional Office No. 10, CSC, was a Career Service Subprofessional Examination. If the examination she took was for the Subprofessional level, why does her Personal Data Sheet state she is a Career Service Professional Eligible?

It cannot be denied that respondent was fully aware that the Certificate of Eligibility (CS Professional) she appended to her Personal Data Sheet and her statement in Item No. 19 thereof were false because she knew she never took a Career Service Professional Examination.

Respondent's alleged lack of knowledge or good faith as to the authenticity of the Certificate of Eligibility will not hold water. Good faith requires honesty of intention, free from knowledge of circumstances which ought to put one upon inquiry.[12] In the case at bar, respondent, upon her receipt of the alleged erroneous Certificate of Eligibility (CS Professional), should have wondered why she received said certificate considering that she took a Career Service Subprofessional Examination and not a Career Service Professional Examination. She should have immediately reported the matter to the Regional Office No. 10 of the CSC so that the latter could have rectified any error stated in the Certificate of Eligibility. This, she did not do. Instead, she used this certificate to further her

career by applying for a change of status from temporary to permanent which was eventually approved by Acting Court Administrator Jose P. Perez.

Respondent's claim that she was a victim of an injustice perpetrated by fixers, insiders and syndicates operating in the Regional Offices of the CSC, does not merit any consideration. The same is self-serving. If the said claim were true, she should have explained this convincingly to the Court supported with competent evidence. This, she did not do. Does she think this Court will believe that she has nothing to do with the bogus certificate of eligibility in light of the fact that no fixer will simply give a person a fake certificate without the latter dealing with the former?

Respondent's use of a false certificate of eligibility constitutes an act of dishonesty under civil service rules and her act of making a false statement in her personal data sheet renders her administratively liable for falsification.[13] Dishonesty and falsification are malevolent acts that have no place in the judiciary.[14] A public office is a public trust. All public officers and employees must, at all times, be accountable to the people. They ought to perform their duties with utmost responsibility, integrity, competence, and loyalty, and with patriotism and justice, lead modest lives, and uphold public interest over personal interest.[15] Every officer and man of the judiciary is expected to serve with the highest degree of responsibility, integrity, loyalty and efficiency and to conduct themselves with propriety and decorum at all times.[16] We have said time and again that those involved in the administration of justice from the highest official to the lowest clerk must live up to the strictest standards of honesty and integrity in the public service bearing in mind that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat.[17] By doing said acts, she has betrayed the trust reposed on her by the people. Consequently, she has no place in the Judiciary where only those possessing integrity, honesty, competence and independence of mind are summoned to answer the clarion's call of public office.

Dishonesty and Falsification of Official Document are classified as grave offenses under Section 22(a) and (f) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292[18] and Other Pertinent Civil Service Laws. The penalty for each of these offenses is dismissal even for the first offense. The penalty shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and disqualification for reemployment in the government service. It may also be imposed without prejudice to criminal or civil liability.[19]

Notwithstanding the fact that respondent Limgas has already been dropped from the service effective 01 June 2004, we nevertheless impose on her the penalty of dismissal following our ruling in two cases[20] where we meted out the penalty of dismissal on the respondents despite being previously dropped from the service.

WHEREFORE, this Court finds respondent Noraina D. Limgas GUILTY of Dishonesty and Falsification of Official Document. She is hereby ordered DISMISSED from the service with forfeiture of all retirement benefits, excluding accrued leave credits, with prejudice to reemployment in any government office, including government owned and controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] Rollo, p. 8.

[2] Id. at 7.

[3] Id. at 6.

[4] Id. at 23.

[5] Id. at 5.

[6] Id. at 9.

[7] Id. at 14-17.

[8] Id. at 11-a.

[9] Id. at 10.

[10] See photocopy as attached in the Personal Data Sheet CS Form 212 of respondent as kept by the Records Division, Office of the Administrative Services, Office of the Court Administrator, Supreme Court.

[11] Rollo, pp. 1-4.

[12] *De Guzman v. Delos Santos*, A.M. No. 2002-8-SC, 18 December 2002, 394 SCRA 210, 217.

[13] *Civil Service Commission v. Sta. Ana*, A.M. No. OCA-01-5, 01 August 2002, 386 SCRA 1, 11.

[14] *De Guzman v. Delos Santos*, supra, note 12; *Civil Service Commission v. Sta. Ana*, supra, note 13.

[15] *Caja v. Nanquil*, A.M. No. P-04-1885, 13 September 2004.

[16] *Sy v. Norberte*, A.M. No. 00-1398-P, 01 August 2000, 337 SCRA 1, 7.

[17] Re: Report on the Examination of the Cash and Accounts of the Clerks of Court of the RTC and the MTC of Vigan, Ilocos Sur, A.M. No. 01-1-13-RTC, 02 April 2003, 400 SCRA 387, 389, citing *Office of the Court Administrator v. Galo*, A.M. No. P-93-989, 21 September 1999, 314 SCRA 705, 711-712.

[18] Administrative Code of 1987.

[19] Sec. 9, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292[19] and Other Pertinent Civil Service Laws.

[20] *Eamiguel v. Ho*, A.M. No. 98-1263-P, 06 March 1998, 287 SCRA 79; *Office of the Court Administrator v. Orbigo-Marcelo*, A.M. No. P-00-1415-MeTC, 30 August 2001, 364 SCRA 1.

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